

In re: Samuel D. Griggs et al.
Application No.: 10/738,547
Filed: December 17, 2003
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REMARKS

This Response is submitted in reply to the Office Action mailed June 16, 2005 ("the Action"). Claims 1, 3-17, 19, 20, 22-28, 30-34, 36-45, 47-55, 57-62 and 64-66 are pending in the application but stand rejected as being anticipated or obvious over one or more cited prior art references.

Interview

Applicant acknowledges, with appreciation, the time and courtesy extended to the undersigned and Dennis May by Examiner John Sipos in an interview of the instant application at the USPTO on June 21, 2005. During the interview, differences and deficiencies of the applied prior art were discussed as well as features and embodiments of the present invention. The Examiner helpfully suggested that Applicant focus on the system and method claims to remove the non-analogous art citations.

Regarding the deficiencies of the cited prior art, Applicant noted the features and differences discussed in the previous response. Applicant also discussed the interchangeability of the chutes with the Examiner, such that the chutes have a substantially common axially extending centerline when mounted and in position, even though at least one of the chutes has a different configuration (size and/or shape). Applicant submitted that at least this feature was free of the cited prior art and the Examiner invited Applicant to submit claims along this line in the next amendment for further consideration.

Applicant also discussed the novelty of the proximity switch or sensor and the bracket placement and the like on the chutes, each of which can promote the use of interchangeable chutes. For example, the proximity sensor or switch can help confirm alignment is proper to inhibit any automated pusher or clipper operation if alignment is not correct.

In view of the foregoing, the chute claims (Claims 1-19) have been canceled above to advance prosecution and focus this application on the system and method claims. Applicant reserves the right to pursue the canceled subject matter in a future continuation application.

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Related Pending Applications

Applicant respectfully notes that there are two co-pending, co-assigned applications, each claiming priority to U.S. Provisional Application Serial Number 60/508,609 (as does the instant application). The two applications are identified by patent application publication nos. U.S. 2005-0034426A1 and 2005-0039419A1. Although, it is believed to be unnecessary, a Form PTO-1449 is submitted concurrently herewith, listing these two documents.

New Claims

In order to form a more complete claim set, in light of the cancellation of original claims, Applicant has submitted new Claims 67-74. Applicant submits that the claims are supported by the specification and/or figures. Entry and consideration of the new claims is respectfully requested.

Other

Applicant has amended the priority paragraph to insert the serial number corresponding to priority document previously identified by Attorney Docket Number.

Conclusion

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Respectfully submitted,


Julie H. Richardson
Registration No. 40,142

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 571-283-8300 on August 17, 2005.


Rose Lee Brinson